

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

ERNEST ROSS MAURINO, JR,

Plaintiff,

vs.

Civ. No.

21-00311 SMV

KILOLO KIJAKAZI,<sup>1</sup>  
Acting Commissioner of the Social Security  
Administration,

Defendant.

**ORDER GRANTING UNOPPOSED MOTION FOR ATTORNEY FEES  
PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT**

The Court, having reviewed the parties' Unopposed Motion for Attorney Fees Pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412 (Doc. 29), HEREBY ORDERS that attorney fees be, and hereby are, awarded under the EAJA, payable to Plaintiff but mailed to Plaintiff's attorney in the amount of \$7,039.60 in attorney fees. *See Astrue v. Ratliff*, 560 U.S. 586 (2010) (EAJA fees are paid to the prevailing party, not the attorney).

IT IS FURTHER ORDERED THAT, if Plaintiff's counsel receives attorney fees under both the EAJA and 42 U.S.C. § 406(b) of the Social Security Act, Plaintiff's counsel shall refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

  
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STEPHAN M. VIDMAR  
UNITED STATES MAGISTRATE JUDGE  
Presiding by Consent

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<sup>1</sup> Kilolo Kijakazi was appointed Acting Commissioner of the Social Security Administration on July 9, 2021.

SUBMITTED AND APPROVED BY:

Filed Electronically 4/15/2022

Laura J. Johnson  
Attorney for Plaintiff  
Michael Armstrong Law Office, LLC

Electronically Approved 4/15/2022

David Blower  
Assistant Regional Counsel  
Office of the General Counsel  
Social Security Administration, Region VIII